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PTO/SB/64 (10-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

DYX-018.1 US

First named inventor: Beltzer et al.

Application No.: 09/932,322

Art Unit: 1651

Filed: August 17, 2001

Examiner: (Not yet assigned)

Title: BINDING POLYPEPTIDES FOR B LYMPHOCYTE
STIMULATOR PROTEIN (BLyS)Attention: Office of Petitions
Commissioner for Patents
Box DAC
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1300.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of combined executed declaration/power of attorney (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$_____.

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

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3. Terminal disclaimer with disclaimer fee

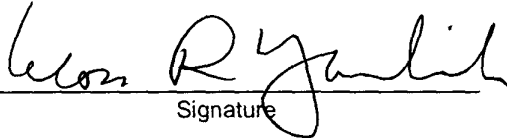
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

January 21, 2003

Date



Signature

Telephone

Number: (617) 374-3700

Leon R. Yankwich (Reg. No. 30,237)

Typed or printed name

Yankwich & Associates

Address

201 Broadway, Cambridge, MA 02139

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: copy of Notice to file Missing Parts

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as ~~first class mail~~ in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231. EXPRESS MAIL

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Jan. 21, 2003

Date



Signature

Leon R. Yankwich (Reg. No. 30,237)

Type or printed name of person signing certificate



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Beltzer et al.

Serial No.: 09/932,322

ART UNIT: 1651

Filed: August 17, 2001

Entitled: BINDING POLYPEPTIDES FOR
B LYMPHOCYTE STIMULATOR
PROTEIN (BLyS)

EXAMINER: (not yet assigned)

Atty. Docket No.: DYX-018.1 US

Commissioner for Patents
BOX DAC
Washington, D.C. 20231

**ADDITIONAL SHEETS TO PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION**

Sir:

Applicants have recently become aware that the above-identified application has been abandoned for failure to timely file a response to a Notice to File Missing Parts of Nonprovisional Application, mailed October 22, 2001. This paper accompanies a Petition for Revival of an Application for Patent Abandoned Unintentionally (Form PTO/SB/64), the petition fee, an executed declaration/power of attorney responsive to the Notice to File Missing Parts, the surcharge for late filing of the declaration, and a copy of the Notice to File Missing Parts.

Applicants declare that the abandonment was unintentional, and accordingly, pursuant to 37 CFR §1.137(b), Applicants request revival of the application and return of the application to pending status.

The petition fee required under 37 CFR §1.137(b)(2) and set forth under 37 CFR §1.17(m), as well as the declaration surcharge fee set forth under 37 CFR §1.16(e) is enclosed by check (no. 4365).

The Commissioner is hereby authorized to charge any additional fees required in connection with this petition, or to credit any overpayment, to PTO Deposit Account No. 50-0268.

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REMARKS

On August 17, 2001 Applicants filed the above-captioned nonprovisional utility patent application with an unexecuted inventors' combined declaration and power of attorney. Applicants subsequently received a filing receipt, and attached thereto was a Notice to File Missing Parts of Nonprovisional Application, dated October 22, 2001. Due to inadvertent docketing oversight, however, the response date for the Notice was not properly entered in the undersigned Attorney's docketing system.

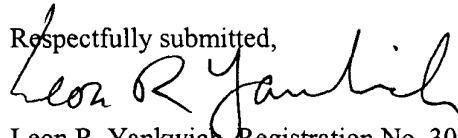
On January 16, 2003, the undersigned Attorney, upon routine file review, noticed that his file contained the original signed declaration/power of attorney, which indicated that the executed declaration had never been submitted to the Office. Upon further investigation with the OIPE, Applicants' Attorney confirmed that the Patent Office had in fact, not received the executed declaration, and that the application was considered abandoned.

No Notice of Abandonment has been received. Applicants' Petition is being filed in advance of any formal notification of abandonment.

Pursuant to 37 CFR § 1.137(b)(3), the undersigned Attorney of Record hereby certifies that the entire delay in filing the required response (i.e., signed inventors' declaration), from the due date for the response until the filing of this petition, was unintentional. The required signed declaration/power of attorney is submitted herewith, as well as the surcharge fee set forth under 37 CFR § 1.16(e).

Applicants earnestly request, on the basis of the facts set forth above, that the abandoned status of this application be removed, and that the application be revived and reinstated to pending status.

Respectfully submitted,



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